

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. No. 98-189 (HL)

[6] ROBERTO FERRARIO-POZZI,

Defendant.

**UNITED STATES' MOTION FOR
A FINAL ORDER OF FORFEITURE**

TO THE HONORABLE COURT:

COMES NOW, the United States of America, by and through the undersigned attorneys, and files this Motion for a Final Order of Forfeiture, and respectfully states and prays as follows:

1. On December 29, 1998, a Grand Jury returned a Second Superseding Indictment against, among others, the defendant of caption. The Second Superseding Indictment contained forfeiture allegations, pursuant to Title 18, United States Code, Section 982, listing numerous domestic and foreign bank accounts as subject to forfeiture based on their involvement in Ferrario's money laundering scheme.

2. The Indictment also sought a personal money judgment against the defendant for a sum of money equal to the total amount involved in each offense, or conspiracy to commit such offense, for which the defendant is convicted.

3. On August 15, 2002, the defendant pled guilty to Count Three of the Second Superseding Indictment

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4. On February 13, 2003, a hearing was held whereby it was determined that the defendant must forfeit the amount of three million seven hundred thousand dollars (\$3,700,000.00) to the United States in that such sum, in the aggregate, constituted or was derived from the proceeds from the property traceable to the defendant's money laundering activities, including all money or other property that was the subject of each transaction, and all commissions, fees, and other property constituting proceeds obtained as a result of the defendant's money laundering activities.

5. At February 13, 2003, hearing, the United States also presented evidence regarding numerous wire transfers made by the defendant to other domestic and foreign accounts in furtherance of his criminal activity.

6. Thereafter, on June 3rd, 2005, based upon the defendant's conviction, as well as the evidence presented at the hearing, this Honorable Court issued a Preliminary Order of Forfeiture for the following accounts:

- a. \$ 113,000.00 sent to Sun Trust Bank account number 0793003050117 held in the name of A & E Used Truck Parts.
- b. \$200,000.00 sent to Banco Commerciale Ita account number 54717050175 held in the name of Agostino Ferrari S.P.A.
- c. \$673,255 sent to Credit Suisse P.B account number 172477745-42 held in the name of Brianzanet.
- d. \$178,618.25 sent to Banco Corresteate Bank account number 210001177393 held in the name of Canada Packers.
- e. \$227,000 sent to Banco Extebandes account number 120607677 in the name of Consorcio Nesher LTD.
- f. \$50,000 sent to Commerce Bank account number 3083003824 in the name of Consorcio Nesher LTD.

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- g. \$157,270 sent to Tojo Bank Futaba account number 185184 held in the name of Global Corporation.
- h. \$325,250.00 sent to First Bank of the Americas account number 1000123960 held in the name of Intertur.
- i. \$155,937.21 sent to Duetsche Bank Argentina account number 2638588 in the name Orchidye S.A.
- j. \$130,000 sent to The Dai Ichi Kangyo account number 900125719 held in the name of Watex International.
- k. \$106,843 sent to Cho Hung Bank account number 374710000585 held in the name of Royal Auto Parts.
- l. \$1,465,000 sent to First Bank of the Americas account number 1100881018 held in the name of Rozatta LTD.
- m. FirstBank account # 305001389 in the name of "Multipix Inc" for the amount of \$245.28.
- n. FirstBank account # 302007057 in the name of "Roberto Ferrario" for the amount of \$4,308.65.
- o. Banco Popular account # 11269243 in the name of Roberto Ferrario" for the amount of \$1,328.92.
- p. Banco Popular account # 11902442 in the name of "Roberto Ferrario" for the amount of \$1,181.54.
- q. Banco Popular account # 1125421 in the name of Roberto Ferrario in the amount of \$83,087.88.
- r. Ocean Bank account # 50509821105 in the name of Invalores LTD in the amount of \$250,000.00.
- s. Cathay Bank account # 120025 in the name of Mobil Tech in the amount of \$255,000.00.
- t. Banco Cafetalero Intl. account # 593104031 in the name of Orlando Fajardo Castillo in the name of \$110,000.00.

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- u. First Union Natl. account # 2090001786014 in the name of Valley Cargo in the amount of \$60,000.00.
- w. First Union Natl. account # 2090001186164 in the name of Valley Express in the amount of \$20,000.00.
- x. LaSalle Bank, NA account # 2323707 in the name of Global Marketing in the amount of \$47,536.56.
- y. Bank Boston Int'l account # 9047939 in the name of Hernando M. Aristizabal in the amount of \$475,000.00.
- z. Republic Nat'l Bank account # 0311007692 in the name of Fortuity Int'l in the amount of \$61,000.00 .
- aa. I.F.B. Bank account # 040400401906 in the name of Competition LTDA, for the amount of \$79,600.00.
- bb. FirstBank account #305001378 in the name of Multipix in the amount of \$2,251.77

7. In accordance with Title 21, United States Code, Section 853(n), the United States properly published notice of the forfeiture of the above-described property and the requirements for filing a claim for the property for three consecutive weeks on July 7, 14, and 21, in El Nuevo Dia, a daily newspaper of general circulation published in San Juan, Puerto Rico. An Affidavit of Publication was filed herein on August 19, 2005, specifying the details of this publication. Pursuant to Title 21, United States Code, Section 853(n), any person asserting a legal interest in the property subject to forfeiture may have, within thirty (30) days of the final publication of notice, or of receipt of actual notice, whichever was earlier, petitioned the Court for a hearing to adjudicate the validity of his/her alleged interest in the property.

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8. On July 25, 2005, Nelly Esperanza-Bejerano filed a claim with respect to the following property:

- c. \$673,255 sent to Credit Suisse P.B account number 172477745-42 held in the name of Brianzanet.
- n. FirstBank account # 302007057 in the name of "Roberto Ferrario" for the amount of \$4,308.65.
- o. Banco Popular account # 11269243 in the name of Roberto Ferrario" for the amount of \$1,328.92.
- p. Banco Popular account # 11902442 in the name of "Roberto Ferrario" for the amount of \$1,181.54.
- q. Banco Popular account # 1125421 in the name of Roberto Ferrario in the amount of \$83,087.88.

9. Despite the claims asserted by Nelly Esperanza-Bejerano, no claims were filed within thirty (30) days of the date of the last publication with respect to the following properties:

- a. \$ 113,000.00 sent to Sun Trust Bank account number 0793003050117 held in the name of A & E Used Truck Parts.
- b. \$200,000.00 sent to Banco Commerciale Ita account number 54717050175 held in the name of Agostino Ferrari S.P.A.
- d. \$178,618.25 sent to Banco Correstate Bank account number 210001177393 held in the name of Canada Packers.
- e. \$227,000 sent to Banco Extebandes account number 120607677 in the name of Consorcio Nesher LTD.
- f. \$50,000 sent to Commerce Bank account number 3083003824 in the name of Consorcio Nesher LTD.
- g. \$157,270 sent to Tojo Bank Futaba account number 185184 held in the name of Global Corporation.
- h. \$325,250.00 sent to First Bank of the Americas account number 1000123960

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held in the name of Intertur.

- i. \$155,937.21 sent to Duetsche Bank Argentina account number 2638588 in the name Orchidye S.A.
- j. \$130,000 sent to The Dai Ichi Kangyo account number 900125719 held in the name of Watex International.
- k. \$106,843 sent to Cho Hung Bank account number 374710000585 held in the name of Royal Auto Parts.
- l. \$1,465,000 sent to First Bank of the Americas account number 1100881018 held in the name of Rozatta LTD.
- m. FirstBank account # 305001389 in the name of "Multipix Inc" for the amount of \$245.28.
- r. Ocean Bank account # 50509821105 in the name of Invalores LTD in the amount of \$250,000.00.
- s. Cathay Bank account # 120025 in the name of Mobil Tech in the amount of \$255,000.00.
- t. Banco Cafetalero Intl. account # 593104031 in the name of Orlando Fajardo Castillo in the name of \$110,000.00.
- u. First Union Natl. account # 2090001786014 in the name of Valley Cargo in the amount of \$60,000.00.
- w. First Union Natl. account # 2090001186164 in the name of Valley Express in the amount of \$20,000.00.
- x. LaSalle Bank, NA account # 2323707 in the name of Global Marketing in the amount of \$47,536.56.
- y. Bank Boston Int'l account # 9047939 in the name of Hernando M. Aristizabal in the amount of \$475,000.00.
- z. Republic Nat'l Bank account # 0311007692 in the name of Fortuity Int'l in the amount of \$61,000.00 .
- aa. I.F.B. Bank account # 040400401906 in the name of Competition LTDA, for

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the amount of \$79,600.00.

- bb. FirstBank account #305001378 in the name of Multipix in the amount of \$2,251.77.

10. As a result, any third-party interests regarding those properties are barred by failure of those potential parties to file a timely petitions.

11. Therefore, the United States requests that a final order of forfeiture be issued regarding those properties upon which claims have not been filed. Specifically, the United States requests a final order of forfeiture regarding the following properties:

- a. \$ 113,000.00 sent to Sun Trust Bank account number 0793003050117 held in the name of A & E Used Truck Parts.
- b. \$200,000.00 sent to Banco Commerciale Ita account number 54717050175 held in the name of Agostino Ferrari S.P.A.
- d. \$178,618.25 sent to Banco Correstate Bank account number 210001177393 held in the name of Canada Packers.
- e. \$227,000 sent to Banco Extebandes account number 120607677 in the name of Consorcio Nesher LTD.
- f. \$50,000 sent to Commerce Bank account number 3083003824 in the name of Consorcio Nesher LTD.
- g. \$157,270 sent to Tojo Bank Futaba account number 185184 held in the name of Global Corporation.
- h. \$325,250.00 sent to First Bank of the Americas account number 1000123960 held in the name of Intertur.
- i. \$155,937.21 sent to Duetsche Bank Argentina account number 2638588 in the name Orchidye S.A.
- j. \$130,000 sent to The Dai Ichi Kangyo account number 900125719 held in the name of Watex International.

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- k. \$106,843 sent to Cho Hung Bank account number 374710000585 held in the name of Royal Auto Parts.
- l. \$1,465,000 sent to First Bank of the Americas account number 1100881018 held in the name of Rozatta LTD.
- m. FirstBank account # 305001389 in the name of "Multipix Inc" for the amount of \$245.28.
- r. Ocean Bank account # 50509821105 in the name of Invalores LTD in the amount of \$250,000.00.
- s. Cathay Bank account # 120025 in the name of Mobil Tech in the amount of \$255,000.00.
- t. Banco Cafetalero Intl. account # 593104031 in the name of Orlando Fajardo Castillo in the name of \$110,000.00.
- u. First Union Natl. account # 2090001786014 in the name of Valley Cargo in the amount of \$60,000.00.
- w. First Union Natl. account # 2090001186164 in the name of Valley Express in the amount of \$20,000.00.
- x. LaSalle Bank, NA account # 2323707 in the name of Global Marketing in the amount of \$47,536.56.
- y. Bank Boston Int'l account # 9047939 in the name of Hernando M. Aristizabal in the amount of \$475,000.00.
- z. Republic Nat'l Bank account # 0311007692 in the name of Fortuity Int'l in the amount of \$61,000.00 .
- aa. I.F.B. Bank account # 040400401906 in the name of Competition LTDA, for the amount of \$79,600.00.
- bb. FirstBank account #305001378 in the name of Multipix in the amount of \$2,251.77.

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WHEREFORE, the United States respectfully requests that this Court enter a final order of forfeiture as proposed in the attached order.

Respectfully submitted in San Juan, Puerto Rico this 19th day of December, 2006.

Rosa E. Rodriguez-Velez
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been sent by electronic mail to all parties involved in this litigation.

S/ Aramis G. Rios
Aramis G. Ríos
Assistant United States Attorney